

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. In the present response, claims 1, 7, 8, 9, 18 have been amended and new claim 26 added. Thus claims 1-26 are pending.

Objection to the Claims

In paragraph 2 of the Action, claim 24 was objected to for reciting "a content catalog containing at least one transitory selectable item associated with the broadcast" on the grounds that the specification fails to discuss transitory and the claim fails to define it. Applicants appreciate the response but must traverse it since the specification does support such a claim. For example, in the Background section, it is stated:

For example, for some television broadcasts, such as home shopping channels and game shows, the broadcaster may provide web sites containing content relevant to a particular show, item, **or topic currently being broadcast** to viewers. For example, QVC Inc. broadcasts items for display that may be purchased by a viewer having access to their Internet web site. Similarly, ABC's "Who Wants To Be A Millionaire" program **simultaneously presents** game show questions on an Internet web page so that viewers may **play alongside** contestants.

(Emphasis added.) It is respectfully submitted that disclosing web sites that track currently broadcast products as in the QVC example, or game shows that allow tracking game show questions being broadcast, clearly supports the "transitory" limitation as recited. The Office is therefore respectfully requested to withdraw the rejection.

In paragraph 4 the Action object to claim 10 for reciting "selected ones of: links to content provider content, and embedded content provider content." It is respectfully submitted that this claim is not vague given that the recitation clearly indicates by the

plurality "selected ones" that the recited "content catalog" includes one or more "links to content provider content, and embedded content provider content." Applicants will amend the claim to recite "The method of claim 1, wherein the content catalog comprises one or more of: links to content provider content, and embedded content provider content." This language, like the current language, makes clear that the catalog may include either or both of these content. The Office is therefore respectfully requested to withdraw the rejection and/or indicate whether the proposed language will resolve the objection.

In paragraph 6 the Action again objects to claim 24, this objection has been addressed above and for the same reasons the Office is respectfully requested to withdraw the objection since "transitory" is supported by the specification. It is also noted that it is well understood that web content may be volatile / ephemeral.

35 USC §103

Claims 1, 2, 6-11 and 14-25 remain rejected as being obvious over Hawkins (US Patent No. 6,343,318) in view of Sachs (US Patent No. 6,331,865). Regarding Hawkins, Applicants again note this is an enormously long reference, therefore it has not been thoroughly studied. Regarding the rejections, Applicants traverse the rejections for at least the following reasons.

The rejection is again traversed; it is respectfully submitted Hawkins fails to teach or suggest the recited "content catalog identifying content in a first data format" that when selected is received "from the formatting agent in a second data format compatible with the handheld device." In Hawkins, as indicated at col. 4 line 15 "the first

protocol corresponds to a compressed version of HTTP." That is, Hawkins appears to teach a request in **first protocol** (compressed HTTP) is sent from a client to a server, and the server converts this request into a **second protocol** (conventional HTTP).

However, **Hawkins does not appear to teach or suggest that the second HTTP protocol is incompatible with the handheld device**. In fact, based on the Hawkins Background at col. 2, the second protocol is not required to be incompatible, rather it is simply considered undesirable to use over a low bandwidth connection. Hence, as discussed in the Hawkins Summary, to address this issue, the Hawkins mobile device is configured with built-in internal applications that utilize a compressed HTML format that is more amenable to the mobile device. But, having support for compressed HTML does not mean Hawkins teaches what is claimed.

In an effort to clarify the differences between recited embodiments and Hawkins, and in an effort to expedite concluding prosecution, **claim 1** has been amended to recite " identifying content **associated with the broadcast in a first data format incompatible with the handheld device** provided by a content provider." It is believed these changes now render moot the rejection over Hawkins and Sachs. That is, it is respectfully submitted Hawkins fails to teach or suggest the catalog associated with a broadcast and incompatibility of the first data format with the handheld device as recited. Further, as discussed above regarding col. 2, Hawkins actually appears to teach away from this.

Regarding the recited content catalog, while the Office is correct that Hawkins does not teach this limitation, it is respectfully submitted neither does Sachs. While Sachs does appear to teach a catalog, it is submitted this is a catalog of books that may be loaded into a portable reading device (see, e.g., col. 1 line 38 "portable electronic

book", and Fig. 1 bookstore/bookshelf 26, 30, 60, 62 and electronic books 10, 12, 14).

Sachs does not teach or suggest a catalog associated with a broadcast. As noted above, to clarify inventive intent, claim 1 has been amended to more clearly indicate that the catalog is regarding content associated with the broadcast. Consequently it is submitted that the suggested combination of Hawkins and Sachs fails for at least this reason as well.

Thus, it is submitted the combination of Hawkins and Sachs can not render claim 1 (or its dependent claims) obvious as suggested. Similarly, **claim 11** (and its dependent claims) is deemed allowable for at least the same reasons as claim 1. And, **claim 18** has been amended to include new limitations as in claim 1, and hence claim 18 (and its dependent claims) is believed allowable for at least the same reasons as discussed above for claim 1.

Regarding the rejections of **claims 7, 8** the Office points to Hawkins at col. 3 lines 32-48 as teaching the recited "determining the first data format is incompatible with the handheld device" and presumably claim 8's "identifying a portion of said selected content that is incompatible with the handheld device." Applicants traverse this rejection because, as discussed above, as best Hawkins is understood, based on the col. 2 Background discussion, Hawkins does **not** teach incompatibility, rather it teaches inconvenience of accessing conventional HTML over low bandwidth connections. Inconvenience is not the same thing as incompatibility. Thus it is respectfully submitted this claim as originally filed is allowable over the suggested combination of Hawkins and

Sachs. To facilitate their passage to issuance, claims 7 and 8 have been written in independent form.

Claim 9 has been amended to correct a clerical error, since claim 8 provides the antecedent basis for "incompatible portion" not claim 7 as previously recited.

Regarding claim 24, it recites "a content catalog containing at least one transitory selectable item associated with the broadcast." Applicants must respectfully traverse the rejection for the following reasons. As discussed above with respect to the objection to claim 24, "transitory" is supported by the specification, and as discussed above with respect to amending claim 1, the catalog being associated to the broadcast as recited is not taught or suggested by Hawkins or Sachs whether the references are considered individually or one in view of the other; hence it is respectfully submitted this claim is allowable for at least the reason of failure to teach or suggest a catalog associated with the broadcast as recited.

Regarding the rejection of claim 25, Applicants traverse the rejection since it is inconsistent to say Hawkins teaches disposing the formatting agent within the mobile device as recited when the Hawkins Summary requires the handheld device to use compressed HTML routines built into the handheld device. That is, in order to operate as recited, the conventional HTML would have to be provided to the handheld, thus forcing Hawkins to utilize the low bandwidth link in a manner inconsistent with its

teachings. There is no similar bandwidth issue in the recited embodiment. Thus it would not be obvious to Apply Hawkins as suggested.

Regarding the rejections of claims 3-5, 12, 13 over Hawkins in view of Dunn (U.S. Patent No. 6,154,772), it is respectfully noted that while Dunn does appear to teach delivery of digital content, Applicants must traverse the combination with Dunn for two reasons. First, the features of Dunn identified by the Office fails to overcome the deficiencies of Hawkins as discussed above.

Second, it is respectfully noted that a search of Dunn shows that the term "catalog" fails to appear anywhere in the document, and a cursory review of the reference fails to show a catalog equivalent to what is recited. Since Hawkins is presented as not teaching the recited catalog, and Dunn is only presented as teaching delivery of digital content, it is respectfully submitted that the suggested combination is unworkable and cannot render claim 3-5, 12 or 13 obvious.

In particular, as noted by Dunn at col. 18 lines 6-7, "All available program content is always available on broadcast backplane 1200." Given this availability of all content it is respectfully submitted that Dunn teaches away from using a catalog since, as best Dunn is understood, the recited catalog is unnecessary when all content is available. Thus, while the Action at the top of page 9 indicates a catalog would be obvious it is not clear to Applicants where such catalog is being found in the references relied on by the Office. For at least these reasons, it is submitted that the rejection of claims 3-5, 12 and 13 is overcome and their withdrawal is respectfully requested.

New Claim 26

New claim 26 has been added which contains limitations that, as discussed above, are patentably distinct over the documents relied on by the Office. This claim is added in an effort to clarify allowable subject matter with the Office.

Dependent claims not explicitly discussed are deemed allowable for at least the reason as depending from an allowable base claim.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-26 are in condition for allowance and such action is earnestly solicited. **THE EXAMINER IS RESPECTFULLY ASKED TO CONTACT THE UNDERSIGNED TO DISCUSS FURTHER EXAMINATION OF THIS MATTER.**

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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/ Steven D. Yates # 42,242 /
Steven D. Yates
Patent Attorney
Intel Corporation
Registration No. 42,242
(503) 264-6589

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026